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1960
STATE LEGISLATION
AFFECTING
THE REA PROGRAM

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UNITED STATES DEPARTMENT OF AGRICULTURE
Rural Electrification Administration

1960 State Legislation Affecting the REA Programs

1960 Legislative Sessions. The legislatures of twenty-six states held legislative sessions in 1960 as follows:

Regular Sessions (unlimited as to subject matter)

Alaska	Massachusetts ^b	Rhode Island ^b
Arizona	Michigan	South Carolina
Delaware ^{a b}	Mississippi	Virginia
Georgia	Nevada	Wisconsin ^a
Kentucky	New Jersey ^b	
Louisiana	New York	

Budget Sessions (limited as to subject matter)

California	Kansas	West Virginia
Colorado	Maryland	
Hawaii	Pennsylvania ^b	

Special Sessions

Arkansas	Hawaii	Maine
California	Illinois	

a - continuation of 1959 session.

b - still in session as of date of report.

A supplemental report will be issued at a later date covering actions taken at legislatures which have not yet adjourned and any additional special sessions which may convene.

Scope of State Reports. The reports summarize the legislative program of borrowers and their organizations insofar as they were made known to REA. During the sessions, all available sources were utilized to identify, out of more than 25,000 bills which were introduced, those dealing directly or indirectly with the REA programs. Copies of practically all bills so identified were obtained and analyzed, and their final disposition determined and recorded. The reports include all such bills classified according to whether they dealt with electrification or telephone or both, describe them briefly and indicate their disposition.

The reports are not intended as a definitive presentation of all relevant state legislation which was considered in 1960. They serve rather as notice of legislative developments in the fields covered. The bills themselves, particularly those which were enacted, should be examined to determine their effect upon borrowers' programs and activities.

Highlights. The following are the highlights of legislative developments which concern the REA programs and borrowers.

ELECTRIFICATION

Protection of Cooperative Territory. Four states considered legislation on this subject.

Enacted:

Georgia - amended its Electric Membership Corporation Act to define the term "rural area" so as to authorize cooperatives to continue service in areas annexed to municipalities and to make extensions not exceeding 300 feet from existing lines in such areas; and provided for the payment to the municipality of a percentage of the revenues derived from service in the annexed area comparable to that paid by other utilities operating in or near the municipality. Another bill which would have permitted continuance of cooperative service in annexed areas until the cooperative facilities were purchased by the municipality or the utility franchised to serve therein failed.

Kentucky - provided that utilities furnishing service in areas annexed to municipalities shall have a dominant right to continue service in such areas and to extend service to new consumers located nearer their facilities than those of another utility. Another bill, amending laws relating to municipal utilities, which would have included a requirement that such utilities secure certificates of convenience and necessity to extend lines beyond municipal limits into areas served by rural electric cooperatives, failed.

Failed:

South Carolina - to amend a municipal annexation bill so as to protect cooperative facilities and services in annexed areas by providing for exchange or sale of cooperative facilities therein.

Wisconsin - to amend the 1955 anti-duplication law by exempting electric service when requested for schools.

Commission Regulation.

Failed: Nevada to subject sellers of surplus electricity to a public utility to Public Service Commission regulation.

Taxation.

Enacted: New Jersey to establish the gross receipts tax at 7.5% instead of an average rate computed by statutory formula.

Failed: Arizona to remove tax exemption from electric facilities of power and electrical districts and other public bodies; Louisiana to repeal power use tax on persons generating their own power; and South Carolina to exempt from sales tax electricity used in certain agricultural processing operations

Electrical Licensing and/or Inspection.

Enacted: Alaska, new electrical contractor licensing law; Kentucky to authorize certain cities and counties to license electrical contractors and provide for inspection of electrical installations; and Michigan to amend its existing electrical licensing law.

Failed: New York to authorize municipalities to adopt standards for electrical installations; Wisconsin, a general licensing and inspection bill.

Pending: New Jersey to license and regulate electrical contractors.

Power Supply and Electric Lines.

Enacted: Alaska established a Section of Power Development in the Department of Commerce for the conservation and development of water and power resources; Maryland urged Congress to continue appropriations for the Potomac River survey; and Nevada revised its requirements relative to the acquisition of electric lines by irrigation districts, and authorized intervention on behalf of the state in proceedings involving construction of dams and power plants. Georgia and Mississippi prescribed precautions to be taken in connection with construction activities adjacent to high voltage lines. Mississippi made it a misdemeanor to tamper with or destroy electric equipment.

Failed: Alaska to create a Public Works Authority to construct and operate nuclear and hydroelectric energy facilities; Mississippi to require electric utilities to furnish a representative to supervise work on structures adjacent to power lines; Nevada to repeal an existing law requiring electric and water companies to connect their facilities to residences and other buildings; and New York to regulate construction operations near high voltage lines.

Pending: New Jersey to amend its existing law prescribing precautions to be taken in proximity to high voltage lines.

Atomic Energy - Radiation Regulation.

Enacted: Kentucky and Louisiana adopted the Southern Interstate Nuclear Compact; Virginia directed the Advisory Legislative Council to study the peaceful uses of atomic energy and the desirability of entering the Southern Interstate Nuclear Compact and report

thereon; and South Carolina created an atomic energy study committee. Kentucky, Maryland, New York, and Virginia adopted legislation regulating radioactive materials and radiation activities.

Failed: Mississippi bill to adopt the Southern Interstate Nuclear Compact; Arizona, Maryland, Michigan, and New York bills relating to civilian atomic energy development and the regulation of radiation sources; and a Wisconsin bill to enact a Radiation Protection Act.

Pending: New Jersey proposal to reconstitute and continue the Atomic Energy Study Commission.

Miscellaneous.

Enacted: Virginia prohibited electric fences on agricultural lands without safety controls.

Failed: Louisiana bill making it a misdemeanor for a public utility to place poles, pipelines or other structures on private property without the owner's written consent; and a Maryland bill prohibiting discontinuance of service for nonpayment except after court order.

ELECTRIFICATION AND TELEPHONE

Amendment of Cooperative Enabling Law.

Failed: Alaska proposal to amend the 1959 Electric and Telephone Cooperative Act to permit the board of directors to elect an executive committee to discharge certain board functions.

Commission Regulation.

Enacted: Alaska continued the suspension of operation of its 1959 Public Service Commission law pending submission of a report by the commission and enactment of further legislation at the 1961 session. Arizona prohibited its Corporation Commission from granting certificates of convenience and necessity for utility service in areas served by a municipality through acquired facilities unless the municipality refuses to provide service.

Failed: Arizona bills prohibiting the Corporation Commission from issuing certificates to any utility unless it agreed to place all service lines underground, and giving the Corporation Commission general supervisory and regulatory authority in connection with certificates of convenience and necessity and providing that certificates are deemed abandoned if service is not put in operation within one year; a Michigan measure prohibiting the inclusion by the Public Service Commission of advertising costs in public utility rates; New York and South Carolina proposals to establish legislative

committees to study the Public Service Commission; and a Virginia resolution directing the Advisory Legislative Committee to study the advisability of establishing an Office of Consumer Counsel to represent the public interest in rate hearings before the Corporation Commission.

Eminent Domain - Highways - Rights-of-Way.

Enacted: Alaska adopted the Federal rules covering eminent domain proceedings and made provision for early taking of possession of utility easements; Virginia amended its laws authorizing the Highway Commissioner to condemn utility rights-of-way by further authorizing the Commissioner to relocate utility facilities at his own cost if the utility fails to do so within 60 days; and Wisconsin revised its eminent domain law with provisions directly affecting electric cooperatives and telephone companies.

Failed: Alaska bill further regulating construction of utility facilities along highways; New York bill to provide for reimbursement for utility relocation occasioned by Federal-aid highway projects; and South Carolina bill prohibiting use of highway rights-of-way acquired by condemnation without payment to landowner of additional compensation for the additional utility burden.

Unclaimed Property - Escheat.

Enacted: Kentucky and Virginia adopted the provisions of the uniform act.

Failed: Mississippi, South Carolina, and Wisconsin rejected bills to adopt the uniform act.

Pending: New Jersey bill to amend existing escheat laws.

Uniform Commercial Code.

Enacted: Rhode Island adopted the code; Wisconsin directed its Legislative Council to study the code; and Kentucky made some technical amendments of its laws to conform to the uniform code.

Failed: Mississippi, South Carolina, and Virginia proposals to direct studies of the code.

Mortgages - Filing and Notice Requirements.

Enacted: Arizona eliminated a statutory requirement that chattel mortgages be refiled within six years.

Failed: Georgia bill to protect the lien of an unrecorded mortgage against subsequent lienors or purchasers with notice of the

prior unrecorded mortgage; Mississippi bill requiring the refiling of chattel mortgages and other contractual liens on personal property every three years; and South Carolina amendatory proposal that mortgages covering both real and personal property, if recorded as real estate mortgage and indexed as both real and chattel mortgages, shall have the same effect as to notice as provided for real estate mortgages.

Taxation.

Enacted: Louisiana authorized utilities to pass certain municipal levies on to consumers; and Wisconsin memorialized Congress opposing enactment of legislation recommended by the Secretary of the Treasury relative to Federal taxation of cooperatives.

Failed: Alaska bill to subject municipal utility property to taxation; Kentucky proposal to repeal sections of the electric and telephone cooperative laws exempting cooperatives from excise and income taxes upon payment of a \$10 annual fee; Mississippi bill to increase the sales tax levied by municipalities on gross income of electric and telephone utilities; South Carolina bill to repeal sales tax on electric and telephone service; and Virginia bills to authorize counties to tax utility service, to increase the license and franchise tax rates paid by utilities, and to repeal the State tax on money and intangible personal property of public service companies.

Miscellaneous.

Failed: Alaska bill establishing two year statute of limitations for actions concerning maintenance of electric and telephone lines on any real property; Michigan bill creating a mediation service and making special provision for public utility labor disputes; and a Nevada proposal for an investigation of all utilities by the Legislative Commission.

Pending: New Jersey bill to repeal law concerning labor disputes in public utilities and require compulsory arbitration.

TELEPHONE

Cooperative Enabling Law.

Failed: Mississippi proposal to enact the model Telephone Cooperative Act.

Amendment of Cooperative Enabling Law.

Failed: Kentucky bill to amend the Rural Telephone Cooperative Act to provide for three year staggered terms instead of two year terms for trustees.

Taxation.

Enacted: Nevada and Rhode Island memorialized Congress not to continue the Federal telephone excise tax; Mississippi provided for local assessment of property of telephone companies located in not more than six counties, in place of assessment by State Tax Commission, and exempted the stock of such companies from taxation, and also authorized municipalities to impose an additional tax of 2% on the gross revenue of telephone companies from local business; and New York authorized a 10% local tax for school purposes.

Failed: Michigan and New York memorials to Congress to repeal the 10% Federal telephone excise tax; Alaska proposal for State tax on telephone service when Federal excise tax terminates; Massachusetts bill to levy 5% excise tax on telephone service; and Michigan bill to repeal 3% use tax on intrastate service.

Pending: New Jersey bill to impose 10% tax on telephone service subject to reduction of such tax by the Federal Government.

Party Line Telephones.

Enacted: Georgia and Wisconsin provided penalties for failure to relinquish party lines in cases of emergency and for falsely stating an emergency exists and required publication of a warning notice in telephone directories.

Failed: Similar bills in Kentucky and Mississippi.

Miscellaneous.

Failed: Kentucky bill prohibiting higher rates for intrastate service than for like interstate service; New York bills requiring telephone companies to install meters indicating number of outgoing calls and to charge on the basis thereof, and to change the rate base from property actually used in public service to capital actually expended; and South Carolina proposal to repeal law authorizing telephone companies to construct and maintain lines along highways without permission of abutting owners.

Ira Shegser

Office of the Administrator

Charles U. Samenow

August 15, 1960

1960 Alaska Legislation - Final Report
Session: January 25 to March 29 (30), 1960

(The Legislature of Alaska meets in two annual sessions. The first session convenes in the odd-numbered years; the second session in the even-numbered years. Legislation introduced in the first session and not finally disposed of is reported herein as are bills introduced in the second session.)

Legislative Program

Electrification

The Alaska Rural Electric Cooperative Association (ARECA) adopted resolutions at its August 1959 annual meeting urging the legislature to adopt a state electrical wiring code, including provisions for the licensing of contractors and wiremen and inspection and enforcement of wiring regulations, in order to insure safer, more adequate and more economical electrical installations (cf. H.B. 311, below-enacted). The Association also supported the creation of a state power agency to provide service to the smaller and more isolated communities (cf. S.B. 203, below-enacted) and continued its support of H.B. 126 (see below-failed) which would have extended to all utilities the authority to proceed in eminent domain by a declaration of taking.

Matanuska Electric Association sponsored legislation (see H.B. 363, below-enacted) to permit the lease or sale to publicly-owned utilities of fuel deposits on State lands.

Electrification and Telephone

Golden Valley Electric Association of Fairbanks is reported to have sponsored an amendment of the Electric and Telephone Cooperative Act (Chap. 93, SIA 1959) providing for the establishment of an executive committee of the board of directors (see S.B. 219, below-failed).

Legislation Considered

Electrification

Enacted

State Power Development - S.B. 203, approved April 16, 1960, Chap. 135, establishes a Section of Power Development in the Department of Commerce for the conservation and development of water and power resources, to make available an abundant supply of power, and to promote and extend the use of power. The Section is empowered to study all power resources and their use, to inventory all power

resources, to coordinate the state's interest in securing federal participation in power development, to promote rural electrification and assist localities by providing information concerning sources of technical and other assistance, to cooperate with federal, local and state agencies (including REA and ARECA), to hold hearings, and to study laws and practices of state power authorities and to report on same to the Governor and the 1961 legislature together with recommendations as to the state's need for an agency to construct, develop and operate electrical facilities and to distribute power. (S.B. 203 was sponsored by ARECA.)

Electrical Contractors - Licensing - H.B. 311, approved April 21, 1960, Chap. 158, creates a Board of Electrical Examiners composed of three electrical contractors with authority to examine and license electrical contractors; prohibits electrical contracting work by any persons other than licensees; and exempts electrical departments or employees of a municipality, public service corporations, telephone businesses, other specified enterprises, and electrical installations on residential property owned by the installer or a member of his immediate family and not intended for sale at the time of the installation.

Fuel Deposits on State Lands - H.B. 363, law without approval on April 20, 1960, Chap. 155, amends the Alaska Land Act to authorize the lease, sale or other disposal of coal deposits on State lands to government-owned or REA-financed cooperative utilities, for the generation of power or the production of process steam, or both, on the same terms as to State or Federal agency, i.e. for less than the appraised value. (As originally introduced at the request of the Matanuska Electric Association, the bill would have covered all fossil fuel deposits.)

Failed

Taxation - Motor Fuel - H.B. 84, carried over from 1959 session, died in committee, would have imposed an additional tax of 5¢ per gallon on all motor fuel with specific exemption for fuel used to operate stationary power plants operating as public utility plants and generating electrical energy for sale to the general public, and fuel used by nonprofit power associations or corporations for generating electric energy for resale.

Public Works Authority - S.B. 144, failed in Senate, would have established an Alaska Public Works Authority to construct and operate various public works including nuclear and hydroelectric energy facilities, and to issue revenue bonds therefor.

Port of Whittier Authority - S.B. 151, died in Senate, would have established a Port of Whittier Authority to take over and operate

U.S. Army facilities at Whittier, including electrical. (Whittier is near Portage, southern terminus of Chugach Electric Association's system.)

Water Resources Council - S.B. 188, died in committee, would have created the Alaska Water Resources Council, composed of heads of other state departments, to make findings and recommendations as to state water resource policy, and to assist in public and private development.

Plumbing - Licensing - H.B. 390, died in House, would have adopted the Uniform Plumbing Code; established a Board of Plumbing Examiners with authority to examine and license plumbers; prohibited plumbing without license; and exempted work on systems of municipal utilities, public service corporations, and on residential property by the owner.

Electrification and Telephone

Enacted

Electric and Telephone Cooperatives - Tax Payments - H.B. 427, approved March 31, 1960, Chap. 66, amends Sec. 33 of the 1959 Electric and Telephone Cooperative Act to provide that payments in lieu of taxes shall be made on the first day of March each year commencing in 1961, instead of on April 1.

Public Service Commission - Qualifications of Commissioners - Further Suspension of Operation - S.B. 218, approved April 21, 1960, Chap. 218, amends the 1959 Public Service Commission Law (Chap. 199, SLA 1959) relative to the qualifications of commission members and continuing the suspension of application of the act with respect to any utility pending adoption of further specific legislation at the 1961 session pursuant to report and recommendation by the commission.

State Planning - S.B. 191, approved April 26, 1960, Chap. 184, creates a Division of State Planning in the Office of the Governor, to compile data bearing on the state economy, to plan state capital improvements and assist state agencies in planning, with such Federal aid as may be available.

Eminent Domain Procedure - S.B. 195, approved April 16, 1960, Chap. 195, adopts the Federal Rule of Civil Procedure (Rule 71A) for eminent domain proceedings, and confers authority upon the court to fix terms for the taking of possession at any time after commencement of condemnation action where easements for the transmission or distribution of electric energy, communications, water, steam and gas are involved.

Public Utility Districts - Indebtedness - S.B. 147, law without approval on March 18, 1960, Chap. 38, amends the laws relating to the incurring of bonded indebtedness by public utility (and school) districts by changing references to "territory" to read "state", and by requiring that no such indebtedness be incurred except by a vote of 65%, instead of a majority, of the votes cast at an election therefor.

Public Utility Districts, Municipal Corporations, School Districts - Ratification of Prior Bond Issues - S.B. 148, law without approval March 18, 1960, Chap. 39, ratifies all bonds heretofore issued by these authorities.

Local Boundary Commission - Duties and Powers - H.B. 351, approved March 28, 1960, Chap. 45, prescribes the duties and powers of the Local Boundary Commission, procedures for their exercise, and directs a study of the organization of boroughs and the integration of existing special districts.

Cooperative Corporations Act - Administration - H.B. 381, approved March 28, 1960, Chap. 48, transfers from the Department of Commerce to the Department of Revenue the duties and powers involved in the administration of the 1959 Cooperative Corporation Act (Chap. 107, SLA 1959).

Failed

Electric and Telephone Cooperative Act - Executive Committee - S.B. 219, died in Senate, would have added a new section to the 1959 Electric and Telephone Cooperative Act to permit the board of directors of a cooperative, if its bylaws so provide, to elect an executive committee to discharge certain functions of the board. (Sponsored by Golden Valley Electric Association, Fairbanks.)

Electric and Telephone Lines - Statute of Limitations - S.B. 107, carried over from 1959 session, died in committee, would have barred the bringing of actions by reason of the maintenance of electric or telephone lines on any real property after a period of two years of continuous maintenance of such lines. (This provision was incorporated in S.B. 67, the 1959 Electric and Telephone Cooperative Act, as originally introduced, but was deleted in the House by amendment. S.B. 107 was sponsored by a legislator opposed to the provision in S.B. 67 who adopted the strategy of sponsoring a bill of general application as an offset, but S.B. 107 was not pressed by him when the provision was taken out of S.B. 67. It was not pressed by the State association at the 1960 session.)

Public Service Enterprises - Eminent Domain - H.B. 126, carried over from 1959 session, died in committee, would have extended the

laws relating to eminent domain by the State to persons, firms, and corporations operating electric, telephone, and other public utilities, and given them the authority to take title to property sought to be condemned by making a declaration of taking and depositing the estimated amount of compensation in court.

Municipal Utilities - Taxation - S.B. 102, died in committee, carried over from 1959 session, would have made municipal utility (including power and telephone) property subject to taxation.

Use by Utilities of State Highway Rights-of-Way - H.B. 398, died in House, would have amended the State highway law to require that utility facilities could be constructed along highway rights-of-way only in accordance with regulations prescribed by the Board of Public Works and only after issuance of a written permit.

Local Government - Borough Organization - H.B. 298, died in House, would have established standards for organization of boroughs; provided for the exercise of borough powers by borough assemblies through their ordinances; conferred borough powers, including the power to tax; authorized the creation of service areas within organized boroughs; and established the boundary limits of specified boroughs (including several localities served by REA-financed systems).

- H.B. 368, died in House, would have established two classes of organized boroughs: (1) Home Rule (requiring a minimum of 10,000 residents and \$30 million assessed real property valuation), and (2) General Law boroughs; provided a method of organization and for borough assemblies; and prescribed powers and functions.

- H.B. 463, passed House, died in Senate, attempted to reconcile divergent views of borough organization; would have provided for borough establishment by petition and election, for apportionment of borough assemblymen and for their election and functioning; and required organized boroughs to assume the powers and duties of public utility districts within their boundaries.

- H.B. 437, died in House, would have provided for the establishment of unorganized boroughs.

Telephone

Failed

Excise Tax - Replacing Federal - S.B. 252, passed Senate, died in House, would have imposed a State tax on telephone service to take

effect when and if the Federal tax terminated.

Obscene Language - Prohibition - H.B. 367, withdrawn, would have made it a misdemeanor to use obscene or profane language or threats over the telephone and required warning notice to be printed in telephone directories.

1960 Arizona Legislation - Final Report
Session: January 11 to March 26, 1960

Legislative Program

Electrification and Telephone

REA borrowers did not undertake a legislative program.

Legislation Considered

Electrification

Failed

State Water Project Authority - H.B. 202, died in House, would have amended Title 45, Ariz. Rev. Stats., by adding Chapter 3.1, to create the State Water Project Authority and authorize it to construct and operate the Glen-Bridge-Verde-Highline project on the Colorado River for irrigation, power generation, and other beneficial uses. The authority would have been given the power to issue revenue bonds for such construction; to organize irrigation and power districts; to acquire property through eminent domain proceedings; and to give preference to State agencies and nonprofit organizations in sale of electric power. (Identical bills, H.B. 92, 1959, H.B. 54, 1958, and H.B. 46, 1957, failed to pass.)

Water and Power Resources Planning Board - S.B. 233, died in House, would have amended Title 45, Ariz. Rev. Stats. by repealing Article 2, Chapter 1, relating to the Arizona Resources Board and adding a new Article 2 establishing the Arizona Water and Power Resources Planning Board. The new board would have been authorized to make a comprehensive inventory and study of the water and power resources of the state including studies regarding the purchase and sale of water and power, the need for changes in laws relating to existing agencies dealing with these matters and to submit a report and recommendations to the next session of the legislature.

Atomic Energy - S.B. 14, died in House, would have amended Title 30, Ariz. Rev. Stats., by adding Chapter 4, providing for the development and regulation of activities pertaining to the peaceful uses of atomic energy and the appointment of a coordinator of atomic development activities. (Identical bills S.B. 56, 1959, S.B. 18, 1958, and a similar bill S.B. 202, 1957, failed to pass. All the bills follow the draft of atomic development coordination act suggested by the Council of State Governments.)

Radiation Protection - H.B. 4, died in House, would have amended Title 36, Ariz. Rev. Stats. by adding Article 6 to Chapter 13

empowering the State Board of Health to regulate sources of radiation. (An identical bill, H.B. 272, failed to pass in the 1959 session.)

Power and Electrical Districts - Taxation - H.C.R. 15, died in House, proposed amendment of the Arizona Constitution to remove the property of power and electrical districts and that portion of the property of any agricultural improvement, irrigation, or other tax levying public improvement district, used in whole or in part for the production or sale of electric energy from tax exempt status. (Identical bills, H.C.R. 20, 1959, and H.C.R. 18, 1958, failed to pass.)

- H.B. 246, died in House, would have amended Section 45-271, Ariz. Rev. Stats., relating to property subject to taxation and listing exceptions, to provide that property of power and electrical districts and that portion of the property of any agricultural improvement, irrigation, or other tax levying public improvement district, used in whole or in part for the production, generation, transmission, distribution, or sale of electric energy shall not be included in the term "municipal property" and shall be subject to taxation. (An identical bill, H.B. 173, 1958, failed.)

Colorado River Compact - Abrogation - H.B. 182, died in House, would have repealed Section 45-571, Ariz. Rev. Stats., which provided for ratification of the Colorado River Compact.

Upper Colorado River Basin Compact - Abrogation - H.B. 183, died in House, would have repealed Section 45-581, Ariz. Rev. Stats. which provided for ratification of the Upper Colorado River Basin Compact.

Colorado River - Bridge Canyon Dam - H. Mem. 7, died in House, would have memorialized the Federal Power Commission to reject the 1957 application of the City of Los Angeles for permit to construct a power dam at Bridge Canyon, and to license the Arizona Power Authority to construct Bridge Canyon and Marble Gorge Dams. (An identical memorial, H. Mem. 2, failed to pass in the 1959 session.)

- Water Supply for Central Arizona - H.B. 206, died in House, would have directed the State Land Commissioner to investigate tunnel sites for the diversion of Colorado River water to central Arizona. (An identical bill, H.B. 91, failed to pass in the 1959 session.)

Water Use - Arizona - H.J. Mem. 2, died in House, would have memorialized the President and the Congress to enact legislation acknowledging the traditional concept of States to control waters generally within their boundaries and to require Federal agencies to acquire water in the same manner as other users under state law.

Electrification and Telephone

Enacted

Municipal Utilities - Service Area - H.B. 125, approved March 30, 1960, Chap. 111, amends Section 9-516, Ariz. Rev. Stats., relating to the acquisition by a municipality of a public utility serving within or without its boundaries by providing that the corporation commission is not authorized to grant a certificate of convenience and necessity to any person or firm wishing to provide similar utility service in such areas unless the municipality refuses to provide service.

Chattel Mortgages - Filing - S.B. 51, approved March 16, 1960, Chap. 19, amends Sections 33-753, 33-753.01, and 33-754, Ariz. Rev. Stats. relating to requirements for validity of chattel mortgages by eliminating provisions concerning refiling within six years, and amending provisions regarding mortgages of property required to be filed in different places and the removal of property from county where mortgage is filed.

Failed

Utility Lines - Placement Underground - H.B. 262, died in House, would have added Section 40-281.1, Ariz. Rev. Stats., to prohibit the corporation commission from issuing a certificate of public convenience and necessity to any utility (electric, telephone, telegraph, gas, or water) unless it agreed in writing to place all service lines underground. The bill would also have required all existing lines to be placed underground by December 31, 1965.

- State Lands - H.B. 261, died in House, would have added Section 40-291, Ariz. Rev. Stats., to require utilities to secure leases of state lands before installing utility or service lines thereon. (A similar bill, H.B. 284, failed in the 1959 session.)

Public Utilities - Assessments - H.B. 245, died in House, would have amended Sec. 40-401, Ariz. Rev. Stats. to provide that the annual assessments against public service corporations (electrical, gas, telephone, and water) by the corporation commission be credited to the utilities division of the commission.

Corporation Commission - Utility Regulation - H.B. 30, died in House, would have amended Section 40-281, Ariz. Rev. Stats., relating to the issuance of certificates of convenience and necessity by the corporation commission by giving the commission general supervisory and regulatory authority and by providing that if service for which a certificate is granted is not in operation within one year from the date

of issue, the certificate shall be deemed to be abandoned. Section 40-282, Ariz. Rev. Stats., would have been amended by providing for a one hundred dollar filing fee for each application.

- Membership - H.B. 138, died in House, would have amended Section 40-101, Ariz. Rev. Stats., to provide for the appointment, by the Governor, of a three member corporation commission to serve for six year staggered terms. The commission would consist of an engineer, a lawyer, and an accountant.

- H.C.R. 9, died in House, would have proposed an amendment to Article 15, Section 1 of the Arizona Constitution to provide for the appointment of the members of commission by the Governor instead of their election.

- Court Review - S.B. 229, died in Senate, would have amended Section 40-254, Ariz. Rev. Stats., prescribing procedures for court review of commission decisions.

Chattel Mortgages - Recording - S.B. 134, died in Senate, would have amended Sections 33-755 and 11-475, Ariz. Rev. Stats., to require filing of chattel mortgages in full and prescribing fees for such recording.

1960 Arkansas Legislation - Final Report
Special Session: January 19 to January 21, 1960

Governor Orval Faubus called the Arkansas legislature into special session to consider legislation relating to education. The legislature is limited in its consideration to subjects listed in the Governor's call and any other matters by a two-third vote.

No legislation of interest to REA electrification or telephone borrowers was noted.

1960 California Legislation - Final Report
Session (Budget): February 1 to March 26, 1960
First Special: February 1 to April 7, 1960
Second Special: March 2 to March 10, 1960

(The regular session of the California legislature convening in the even numbered years is limited to consideration of budget and revenue acts, urgent measures, acts calling elections, constitutional amendments, and city and county charters. Special sessions are limited to consideration of subjects listed in the Governor's call. The proclamations calling the first and second special sessions did not list any subjects of interest or related to the REA programs.)

No legislation of interest to REA electrification or telephone borroers was noted.

1960 Colorado Legislation - Final Report
Session: January 6 to February 19, 1960

(The regular session of the Colorado legislature convening in even numbered years is limited to consideration of appropriation and revenue raising measures and subjects designated by the Governor during the first ten days of the session.)

Legislative Program

Electrification and Telephone

REA borrowers did not undertake a legislative program.

Legislation Considered

Electrification and Telephone

Enacted

Public Utilities - Taxation - H.B. 2, approved February 15, 1960, amends Section 137-6-22, Colo. Rev. Stats., concerning the assessment of property of public utilities and the use of documents supplied the Colorado Tax Commission by such public utilities to provide that the documents are to be available only to the commission and other state governmental agencies and county assessors.

- H.B. 68, approved March 18, 1960, requires the officers of a public utility to file with the Colorado Tax Commission, within a specific time and on approved forms, the information required by the Commission for determining the taxable value of the property of such public utility. (H.B. 4, a similar bill, died in the House.)

Failed

Property Assessment - Constitutional Amendment - S.C.R. 4, died in Senate, would have amended Section 15, Article X of the Colorado constitution by eliminating the provision that all taxable property in the state shall be assessed at its full cash value and substituting a provision that assessments on property be just and equalized.

- S.C.R. 7, died in Senate, would have amended Section 15, Article X of the Colorado constitution by providing that taxable property shall be assessed at such percentage of its full cash value as shall be determined by law, and providing that the General Assembly shall by law establish a state board of equalization and county boards of equalization.

1959-60 Delaware Legislation - Interim Report
Session: January 6, 1959 to
(Legislature recessed June 21, 1960, subject
to call by the presiding officer of each house)

Legislative Program

Electrification

No legislative program was undertaken by REA borrower in Delaware.

Telephone

No telephone borrowers.

Legislation Considered

Electrification and Telephone

Enacted

Public Service Commission - Fees - Investigation Expenses - H.B. 270, approved July 9, 1959, amends Sec. 113, Title 26, Delaware Code, establishing a new and more inclusive schedule of fees to be charged public utilities; providing for charging against the utilities involved the Commission's costs in conducting investigations, hearings and proceedings and in connection with court appeals, but limiting the total aggregate amount that may be charged in any calendar year to one-half of one percentum of the utility's gross operating revenues derived from intrastate utility operations in the last preceding calendar year but not to exceed \$50,000 and permitting appeal by the utility on the reasonableness of the bill; and from amounts collected establishes a revolving fund for the Commission to be used for payment of salaries and expenses. (H.B. 332, a similar bill, was superseded by H.B. 270.)

Pending

Public Service Commission - Rate Increases - H.B. 219, pending in House Committee on Revised Statutes, would amend Chap. 1, Title 26, Delaware Code, by limiting the frequency of utility rate increases.

1960 Georgia Legislation - Final Report
Session: January 11 to February 19, 1960

(The General Assembly of Georgia meets in two annual sessions. The first session convenes in the odd-numbered years. Legislation introduced in the first session and not finally disposed of may be considered during the second session which meets in the even-numbered years. This report includes final disposition of bills introduced in 1959 and 1960.)

Legislative Program

Electrification

The Georgia Electric Membership Corporation sponsored the introduction of a bill (see S.B. 30, Enacted) amending the Electric Membership Corporation Act to define the term "rural area" so as to permit cooperatives to continue service in areas annexed to municipalities. The bill was introduced in the 1959 session, passed the Senate and was held in the House Industry Committee when the first session of the legislature adjourned because of opposition of the Georgia Municipal Association. At the beginning of the 1960 session a compromise satisfactory to both parties was reached and a substitute bill was passed.

Legislation Considered

Electrification

Enacted

Electric Membership Corporation Act - "Rural Area" - S.B. 30, approved January 27, 1960, Act 430, amends the definition of "rural area" as contained in Subsection 8, Section 2, Electric Membership Corporation Act (Sec. 34 A-102 (8), Code of Ga., Ann.) to authorize cooperatives to continue service in areas annexed to municipalities and to make extensions not exceeding 300 feet from existing lines in such areas. Section 13-A is added providing for payment to the municipality involved of a percentage of the revenues derived from service in such areas comparable to that paid by commercial utilities operating in or contiguous to such municipality.

Power Lines - Accident Prevention - H.B. 501, approved March 7, 1960, Act 525, provides for certain precautions to be taken in connection with the operation, erection, handling, storage or transportation of any tools, machinery, equipment supplies, materials or apparatus, or moving of any house or building in the proximity of high-voltage overhead electric lines in order to prevent accidents. Section 5 requires that notice and appropriate arrangements be made with owners or operators of high-voltage

lines prior to undertaking any activity within eight feet of such lines and that reasonable time be allowed to perform such acts as are necessary to guard against accidental contact. When temporary precautionary measures are required in connection with highway construction the owners or operators of lines located on such public highways, by virtue of a permit from the state or county for which neither the state nor county received consideration, shall bear the necessary expenses. Administration and enforcement of the act is vested in the Commissioner of Labor. Telephone companies having joint use contracts with electrical companies are exempted from the provisions of the act.

Enacted - Local Legislation

Electric Power System - City of Chickamauga - H.B. 873, approved February 15, 1960, Act 471, amends the charter for the City of Chickamauga to authorize the city to buy, sell, generate, and distribute electric power and current and provides that the Mayor and Council may contract to carry out this function through other agencies, corporations, municipalities, power boards, or electric membership corporations.

Failed

Electric Membership Corporation Act - Powers - H.B. 271, died in House Industry Committee, would have amended Sec. 4 of the Electric Membership Corporation Act (Sec. 34A-104, Code of Ga., Ann.) by adding a new paragraph permitting an electric membership corporation to continue to serve areas annexed by a municipality until its facilities are purchased by the municipality or franchised public utility. The municipality or public utility would have been given the power to condemn the facilities when the parties fail to agree on a purchase price.

Water Resources Commission - H.B. 303, died in House Natural Resources Committee, provided for the creation of the Georgia Water Resources Commission to have authority and jurisdiction over the use of the surface and underground waters of the State.

Electrification and Telephone

Enacted

Public Service Commission - Fees - H.B. 667, approved March 4, 1960, Act 517, amends Section 93-210, Code of Ga. Ann., to increase the assessment of public service corporation fees to raise the total collected from \$70,000 to \$280,000 and to provide that the apportionment of such fees shall be fixed by the State Revenue Commissioner (formerly done by the Comptroller General).

- Salaries - S.B. 133, approved February 1, 1960, Act 438, amends Section 93-208, Code of Ga. Ann., to increase the salaries of the members of the Public Service Commission from \$7,500 to \$16,000 per annum.

Enacted - Local Legislation

Utility Franchise - Town of Waco - H.B. 1013, approved March 17, 1960, Act 777, empowers the Town of Waco to grant franchises, licenses, easements and rights-of-way in the public streets, alleys and other public places to utility corporations for the purpose of providing utility services to the inhabitants of the town.

Failed

Mortgages - Recording - H.B. 536, died in House, would have amended Section 67-109, Code of Ga. Ann., relating to the effect of failure to record mortgages, by providing that mortgages not recorded within the time required remain valid as against the mortgagor, but are postponed to all other liens created or obtained, or purchases made prior to the actual record of the mortgage. It further provided that the lien of an older mortgage shall be held good against the holder of a younger lien created by contract or a purchaser, with notice of such older mortgage.

Telephone

Enacted

Emergency Calls - Party Line Telephones - H.B. 689, approved March 17, 1960, Act 637, provides penalties for refusal to relinquish a party line telephone when needed for an emergency call and for securing the use of such telephone by falsely stating that it is needed for an emergency call. Notice of these provisions are required to be printed in telephone directories distributed after January 1, 1961.

South Georgia Telephone Company - Sale of Lines - H. Res. 411-913, approved March 7, 1960, Res. No. 128, authorizes the sale of State-owned telephone lines between Reidsville, Georgia, and the State prison in Tattnall County, to the South Georgia Telephone Company (Georgia 561).

Failed

Telephones - Use of Obscene Language - H.B. 690, vetoed March 24, 1960, would have provided penalties for the use of obscene or threatening language over a telephone and required that notice of the provisions of this law be printed in telephone directories distributed after January 1, 1961.

1960 Hawaii Legislation - Final Report
Session: February 11 to April 7 (21), 1960
First Special Session: June 13 to July 1, 1960

(The regular session of the Hawaii legislature convening in even-numbered years is limited to consideration of budget, revenue, and financial matters of State government, emergency measures and legislation in the general public welfare.)

Legislative Program

Electrification and Telephone

There are no REA borrowers in Hawaii.

1960 Illinois Legislation - Final Report
First Special Session: May 3 to May 25, 1960
Second Special Session: May 11 to May 23, 1960

Governor William G. Stratton called the first special session of the legislature to consider appropriations for public assistance; amendment of election laws; and local legislation. The second special session was convened to consider legislation concerning municipal water and sewer systems. Special sessions are limited to consideration of subjects contained in the Governor's call.

No legislation of interest to REA electrification or telephone programs was noted.

1960 Kansas Legislation - Final Report
Session (Budget): January 12 to February 10, 1960

(The regular session of the Kansas legislature convening in even-numbered years is restricted to consideration of the budget report, appropriation bills for succeeding years and revenue bills.)

Legislative Program

Electrification and Telephone

REA borrowers did not undertake a legislative program.

Legislation Considered

Electrification and Telephone

Enacted

Public Utilities - Regulatory Costs - S.B. 19, approved February 2, 1960, Chap. 51, amends Section 66-1503, General Statutes Supplement of 1959, relating to the regulation of public utilities and common carriers and establishing means for payment of certain costs and expenses in connection with such regulation, by increasing from \$200,000 to \$250,000 the total amount assessed against regulated utilities and providing for the crediting of 20 percent of such amount to the general fund of the state.

1960 Kentucky Legislation - Final Report
Session: January 5 to March 18, 1960

Legislative Program

Electrification

The Kentucky Rural Electric Cooperative Corporation sponsored legislation to protect the right of rural electric cooperatives to continue to serve areas annexed by a municipality (see H.B. 166, below--enacted). They also cooperated with the municipalities in support of legislation amending provisions of Kentucky Revised Statutes concerning the acquisition, ownership, and operation of utility facilities and systems (see S.B. 29 and H.B. 91, below--failed).

Telephone

No legislative program was reported by REA telephone borrowers.

Legislation Considered

Electrification

Enacted

Utility Service Area - H.B. 166, approved March 2, 1960, Chap. 32 authorizes utilities providing electric service in areas annexed to municipalities to have the dominant right to continue service in such areas and to extend service to those new consumers which are located nearer to their facilities than to the facilities of any other utility.

Electrical Licensing and Inspection - Cities and Counties - S.B. 36, law without approval March 31, 1960, Chap. 208 authorizes cities of the second and third class and counties containing such cities to provide jointly or separately for the inspection of electrical wiring and installations within their areas and the licensing of all electrical contractors and electricians performing services within their areas. The act also provides for the appointment of a seven member examining board and the adoption of electrical wiring standards and regulations for its administration. Section 3 directs that the act shall not apply to rural electric cooperatives or employees of utility companies or municipalities.

Atomic Energy - Development - S.B. 284, approved March 25, 1960, Chap. 115 amends Chap. 146, Acts 1948 (Sections 152.110, et seq. Kentucky Revised Statutes) concerning the functions and duties of Advisory Committee on Nuclear Energy. Section 152.130 is amended to require the submission of rules and regulations to the Governor at least 60 days (formerly 30 days) prior to filing and provides

for the holding of public hearings on such rules and regulations. Section 152.190 is amended to establish penalties for failure to comply with the provisions of the act or its regulations. The act adds provisions authorizing the Governor to enter into agreements with the United States Atomic Energy Commission and permits certain State departments and agencies to provide for licensing and regulation of the possession of radioactive materials and waste products.

Southern Interstate Nuclear Compact - S.B. 274, approved March 25, 1960, Chap. 113 authorizes Kentucky to enter into the Southern Interstate Nuclear Compact which provides for: cooperation in the proper employment of nuclear energy, facilities, materials, and products to assist in the industrialization of the South; creation of a Board with members representing each party State, to be financed by each State, with power to carry out enumerated functions and activities, including recommendation of legislation, collection, and dissemination of information, cooperation with the Atomic Energy Commission, and research activities as Federal licensees; and entry and withdrawal of the 16 eligible States which are named. The compact is to become effective when enacted by seven states. The act provides that the Chairman of the Advisory Committee on Nuclear Energy shall be the board member from Kentucky.

Plumbers and Plumbing - Regulation - S.B. 237, law without approval March 31, 1960, Chap. 222 amends Sections 318.010, et. seq. Kentucky Revised Statutes relating to the regulation of plumbers and plumbing installations, to make it applicable to counties containing a city of the first, second, or third class and permitting the local board of health of any county to adopt the State Plumbing Code, but providing that the act shall not apply to farmsteads.

Municipal Utilities - Use of Profits - H.B. 228, law without approval March 26, 1960, Chap. 231 amends Section 96.200, Kentucky Revised Statutes, authorizing cities to provide, by ordinance, for the disposition of profits from municipal utilities, by making this section applicable to any city of the third through sixth classes inclusive (previously applicable only to cities of the fourth class).

TVA - Steam Plant in Southeastern Kentucky - H. Res. 39, adopted January 29, 1960, requests the Tennessee Valley Authority to consider the advantages of a southeastern Kentucky location for its projected steam power plant.

Failed

Municipal Utilities - Operation - S.B. 29, died in Senate and H.B. 91, died in House, (Low Cost Power Act of 1960) would have amended Section 96.560, et. seq. Kentucky Revised Statutes, relating to

municipal acquisition, ownership, and operation of utility facilities and systems. Sections 96.580 and 96.590 concerning the description and location of electric plant proposed to be acquired by condemnation would have been revised and provisions relating to appraisal of such property eliminated. Section 96.880 would have been revised to require municipalities to secure certificates of convenience and necessity from the Public Service Commission when it was proposed to extend its lines beyond municipal limits into areas served by rural electric cooperatives. Upon complaint by a rural electric cooperative the Public Service Commission would have been given jurisdiction to hear and determine the issues in the manner provided for determination of controversies between two utilities.

- Condemnation Proceedings - H.B. 415, died in House, would have amended Sections 96.560, 96.570, 96.580, and added 96.635 relating to condemnation procedures to be followed by municipalities seeking to acquire electric systems.

County Utilities - Condemnation Proceedings - H.B. 346, died in House, would have permitted counties seeking to acquire electric systems to exercise condemnation powers under the provisions of Sections 416.230 to 416.310, Kentucky Revised Statutes.

Electrification and Telephone

Enacted

Disposition of Unclaimed Property - H.B. 389, approved March 26, 1960, Chap. 142, amends various provisions of the Kentucky escheat law, Section 393.010, et. seq. Kentucky Revised Statutes, so as to incorporate many of the provisions of the Uniform Disposition of Unclaimed Property Act. Section 3, presumes abandoned under stated circumstances any stock or certificate of ownership, dividend, profit, interest, etc. held or owing by a business association to a shareholder, certificate holder, member, or other security holder, "or a participating patron of a cooperative". Section 7 relates to utility deposits and refunds.

Public Service Commission - Assessments - H.B. 270, law without approval March 31, 1960, Chap. 206, amends Section 278.130, Kentucky Revised Statutes, to increase from \$250,000 to \$400,000 the total amount of assessments to be levied on utility gross earnings in any one year for the purpose of maintaining the Public Service Commission.

Uniform Commercial Code - Amendments - H.B. 466, law without approval March 31, 1960, Chap. 250, makes technical amendments to various sections of the Kentucky Revised Statutes in order to prevent inconsistencies with provisions of the Uniform Commercial Code.

- H.B. 73, approved February 15, 1960, Chap. 13, provides that if property intended as collateral is a motor vehicle or other property normally carrying identifying numbers such information shall be given at the time of filing the financing statement required by Section 9-402 of the Uniform Commercial Code.

Failed

Rural Electric and Telephone Cooperatives - Taxation - H.B. 339, died in House, would have repealed Sections 279.200 and 279.530, Kentucky Revised Statutes, (Rural Electric and Telephone Cooperative Corporation Acts) exempting cooperatives from excise and income taxes and providing for an annual payment of \$10 to the State Treasurer in lieu of all other state, county, city, and district taxes, except ad valorem and franchise taxes.

Public Utility Rates - H.B. 59, died in House, would have amended Section 278.190, Kentucky Revised Statutes, relating to rates of public utilities by providing that any refund of rates ordered by the Public Service Commission include interest at the rate of six percent, and further providing that the interest on refunds not be considered an element of value for rate-making purposes.

- Service - S.B. 144, died in Senate, would have given any utility patron a cause of action against the utility for an interruption in service resulting from other than an act of God if the utility did not take reasonable steps to remedy the situation within 24 hours of the initial interruption. Section 2 would have established the measure of damages to be levied.

Cities - Adoption of Electrical Codes - S.B. 207, died in Senate, would have added Section 82.080, Kentucky Revised Statutes, to authorize cities of all classes to adopt electrical, building, plumbing, etc. codes by reference.

Mortgages - Name of Draftsman - S.B. 116, died in House, would have prohibited the filing of any real estate and chattel documents and corporate papers unless the name and address of the individual who prepared the instrument has been printed, typed, or stamped on it and it has been signed by such individual. Section 2 would have provided that the act not be applicable to instruments to which the United States of America is a party.

Minimum Wages - S.B. 169, died in Senate, would have established a \$1.00 per hour minimum wage rate in Kentucky for all employees except those engaged in the restaurant, hotel, laundry, or dry cleaning industry, for which the minimum wage would have been \$.75 per hour. The provisions of the act would not have been applicable to labor on a farm, domestic service, or labor performed

for firms subject to regulations by the Public Service Commission.

Telephone

Enacted

Telephones - Fraudulent Use for Credit - S.B. 104, approved March 28, 1960, Chap. 159, makes it a misdemeanor to obtain or attempt to obtain goods, property or service by false or fraudulent use of credit cards, telephone numbers, etc. Section 2 provides that it shall be unlawful to obtain or attempt to obtain, by use of any fraudulent scheme or device, telephone service, etc., with intent to avoid payment of charges therefor.

Failed

Rural Telephone Cooperatives - Trustee Terms - H.B. 440 and H.B. 463, died in House, would have amended Section 279.380, Kentucky Revised Statutes, relating to the directors of rural telephone cooperatives to provide that trustees may be elected for three year staggered terms. (Present law provides for election of trustees annually or for two year staggered term.)

Emergency Calls - Party Line Telephones - H.B. 443, died in House, would have provided penalties for refusal to relinquish a party line telephone when needed for an emergency call and for securing the use of such telephone by falsely stating that it is needed for placing an emergency call. Notice of these provisions would be required to be printed in all telephone directories published 90 days after the effective date of the act.

Telephone Rates - H.B. 60, died in House, would have amended Section 278.170, Kentucky Revised Statutes relating to rates and services of public utilities by providing that rates for intrastate telephone service shall not exceed the rates for interstate service for like and contemporaneous service under the same or substantially the same conditions.

1960 Louisiana Legislation - Final Report
Session: May 9 to July 7, 1960

Legislative Program

Electrification

Louisiana Electric Cooperative considered sponsoring legislation to prohibit any utility, private, municipal or cooperative, from furnishing service to any premises already being served or which are within 300 feet of the distribution line of another supplier and to authorize the continuance and extension of electric service in areas which are annexed to a municipality. The association also considered sponsorship of a bill to increase from 25 to 51 the percentage of written assents from resident property owners of the value of the property to be annexed, as a condition to the validity of ordinances enlarging municipal boundaries. The proposed bills were not introduced when it appeared that there would be substantial opposition.

Legislation Considered

Electrification

Enacted

Southern Interstate Nuclear Compact - S.B. 339, approved July 8, 1960, Act 339, authorizes Louisiana to enter into the Southern Interstate Nuclear Compact which provides for: cooperation in the proper employment of nuclear energy, facilities, materials, and products to assist in the industrialization of the South; creation of a Board with members representing each party State, to be financed by each State, with power to carry out enumerated functions and activities, including recommendation of legislation, collection, and dissemination of information, cooperation with the Atomic Energy Commission, and research activities as Federal licensees; and entry and withdrawal of the 16 eligible States. The compact is to become effective when enacted by seven states.

Failed

Power Use Tax - Repeal - H.B. 750, died in House, would have repealed Chap. 13, Subtitle II, Title 47, Louisiana Revised Statutes, relative to the power use tax which is levied against persons generating their own power at the rate of 50¢ per hp per annum.

Utilities - Limitation on Interest Charge - S.B. 257, died in Senate, would have limited to 8% the amount of interest which public utilities furnishing water, gas, or electricity can charge.

Public Service Commission - Jurisdiction - H.B. 517, died in House, would have placed under control of the Public Service Commission natural gas sold by pipeline to producers of electric power.

Electrification and Telephone

Enacted

Public Utilities - Municipal Tax - H.B. 833, approved July 6, 1960, Act 247, permits public utilities to add to the sales price of their services the amount of any tax or payment levied upon or collected from such utility by any municipality of this state to the extent that such tax or payment was not included as a part of the cost of furnishing services in the fixing of rates and charges by the Louisiana Public Service Commission. The act is not to apply to any payments by a utility in excess of 5% of the annual gross receipts of the utility from its customers within the municipality.

Failed

Public Service Commission - Membership - S.B. 10, died in Senate, would have proposed an amendment to Sections 3 and 8 of Article VI of the Louisiana Constitution, to increase from 3 to 5 the number of members of the Public Service Commission, extend their terms to 10 years, and redistrict the state into 5 commission districts.

Utilities - Placement of Poles - S.B. 48, died in Senate, would have made it a misdemeanor for any person, firm, or public utility to enter private property to place poles or pipelines or other structures thereon without the written consent of the owner, and provided penalties.

- Assessments - H.B. 702, withdrawn from House, would have amended Section 1979, Title 47, Louisiana Revised Statutes, relating to the listing and assessing of public utility property directly by the tax commission, by giving parish assessors the right to review such assessments.

- H.B. 703, withdrawn from House, would have amended Section 1981, Title 47, Louisiana Revised Statutes, to give parish assessors the right to review the assessment by the tax commission of the real property of public utilities and common carriers.

- H.B. 704, withdrawn from House, would have amended Section 1985, Title 47, Louisiana Revised Statutes, to give parish assessors supervision and authority over tax commission in correcting or changing assessment of any public service corporation or other property owner.

- H.B. 705, withdrawn from House, would have amended Section 1989, Title 47, Louisiana Revised Statutes, to give parish assessors right of review and change over tax commission valuation of taxable property.

- H.B. 706, withdrawn from House, would have amended Section 1990, Title 47, Louisiana Revised Statutes, to give assessors in the parish affected the right of approval of any changes or corrections in assessment of property by the tax commission.

- H.B. 701, withdrawn from House, would have amended Section 1957, Title 47, Louisiana Revised Statutes, to remove parish assessors from supervision of tax commission in the listing and assessing of property.

1960 Maine Legislation - Final Report
Special Session: January 19 to January 29, 1960

Governor John H. Reed called the legislature into special session to consider legislation relating to education and conservation matters. During a special session the legislature may take up any subject which may be considered at a regular session.

No legislation of interest to REA electrification or telephone programs was noted.

1960 Maryland Legislation - Final Report
Session: February 3 to March 3, 1960

(The regular session of the Maryland session convening in even-numbered years is limited to consideration of budget, revenue, and financial matters of State government, emergency measures, and legislation in the general public welfare.)

Legislative Program

Electrification

REA borrowers supported legislation relating to survey and development of the Potomac River (see H.J.R. 1 and H.B. 13).

Legislation Considered

Electrification

Enacted

Potomac River Basin - Interstate Compact - H.B. 13, approved March 2, 1960, Chap. 29, amends Section 407, Article 43, Annotated Code of Maryland, revising provisions of the Interstate Compact on the Potomac River Basin relating to stream pollution problems and providing for the establishment of standards on water quality.

Potomac River Survey - H.J. Res. 1, approved March 1, 1960, urges the Congress of the United States to continue appropriations to the Corps of Engineers in order that the survey of the Potomac River may be completed and requests the Maryland Legislative Council to reappoint the Special Committee on the Potomac River.

Radiation Protection Act - S.B. 8, approved March 23, 1960, Chap. 88, adds Sections 675 to 688, to Article 43, Annotated Code of Maryland, relating to the control, prevention and prohibition of radiation. This act ("Radiation Protection Act") is similar to the suggested model recommended by the National Committee on Radiation Protection. It designates the State Board of Health as the regulatory agency for activities pertaining to health and safety in the use of radiation sources and provides for the creation of a Radiation Control Advisory Board to review the policies and programs of the State Board of Health.

Failed

Atomic Energy Developments - Coordination - S.B. 64, died in Senate, would have established a policy for cooperation by the State in the civilian atomic energy program and permitted State regulation in conformity with the Federal Atomic Energy Act of 1954. The bill

provided for the appointment of a coordinator of atomic development activities and of an Atomic Energy Advisory Board. (The bill follows the draft of the coordination of atomic development act suggested by the Council of State Governments.)

Public Utilities - Service Disconnect - H.B. 98, died in House, would have added Section 27A to Article 78, Annotated Code of Maryland, to require a utility to secure a court order before disconnecting a subscriber's service for non-payment.

Electrification and Telephone

Failed

Public Service Commission - Rate Refunds - H.B. 171, died in House, would have added Section 71A to Article 78, Annotated Code of Maryland, to provide that if a court or the Public Service Commission determines that a utility's rates have resulted in excess earnings, a refund shall be made. When a refund is not practicable the company shall charge off and amortize, by means of a temporary decrease, to be fixed by the Commission, below the rate as finally determined, for such period as the Commission may determine, the difference between the operating revenues under the rates charged and the operating revenues that would have been obtained from the same volume of business from the rates as finally determined.

- Rates - H.B. 109, died in House, would have amended Section 69(a), Article 78, Annotated Code of Maryland, relating to the establishment of utility rates by providing that the rate of return shall be based upon utility property actually in use.

1960 Massachusetts Legislation - Interim Report
Session: January 6 to
(Status of report as of June 20, 1960; legislature still in session.)

Legislative Program

Electrification

No REA borrowers.

Telephone

No legislative program was undertaken by REA borrowers.

Legislation Considered

Telephone

Failed

Telephone Directories - H.B. 667, referred to next annual session, would have added Section 15D to Chapter 166, General Laws, to require telephone companies to double-space that part of its new telephone directories which contain the names, addresses, and telephone numbers of its subscribers.

Telephone Booths - H.B. 326, withdrawn from House, would have required all outside telephone booths to be equipped with signs or markers stating the location of each booth, with the street and number or highway route number and name of the city or town and the telephone number of the local police and fire departments.

Telephone Excise Tax - H.B. 1201, referred to next annual session, would have added Chapter 64G to the General Laws, levying a 5% excise tax on general telephone service.

1960 Michigan Legislation - Final Report
Session: January 13 to May 18, 1960

Legislative Program

Electrification

Michigan Rural Electric Cooperative Association (statewide) considered but did not sponsor legislation to prevent duplication of electric service.

Legislation Considered

Electrification

Enacted

Electrical Administrative Act - Electricians Licensing - H.B. 52, approved April 26, 1960, Act 94, amends the 1956 electrical administrative act, as amended (Section 338.881 to 338.888, Compiled Laws of 1948) relating to the licensing of electricians and electrical contractors. The amendments include reference to the 1959 (instead of 1956) edition of the national electrical code; make registration requirements of municipalities reciprocal between municipalities and between municipalities and the state electrical administrative board; establish a class of "electrical supervisor's" license; and provide that home owners must also be occupants to be exempt from the license requirement for electrical work in their homes.

Failed

Atomic Energy - Regulation - S.B. 111, died in Senate, would have created the Michigan Atomic Energy Commission; provided for collection and dissemination of information relating to the peaceful uses of atomic energy; authorized development of policies and programs for evaluation of radiation hazards and provided for review of rules and regulations regarding radiation proposed by any state agency; and required resitration with the State health commissioner of all radiation sources.

- H.B. 48, died in House, would have created the office of director of atomic energy activities and provided that he develop policies and programs for the evaluation and determination of radiation hazards and for the development and utilization of atomic energy for peaceful purposes; established a radiation safety standards board with authority to adopt and promulgate radiation safety rules and provided for their enforcement; established a scientific advisory committee on atomic energy to pass on the safety board's proposed radiation safety rules; and

prohibited manufacture, acquisition, possession, etc. of nuclear materials or facilities except under license or permit from the United States Atomic Energy Commission and in accordance with this act and safety rules promulgated thereunder.

Water Resources - Study Commission - H.B. 69, died in House, would have created a nine member commission appointed by the Governor to make a study of the water resources of Michigan and to determine the adequacy of existing programs and law for the development and maintenance of water supplies for future needs.

Electrification and Telephone

Enacted

Rural Zoning - S.B. 1184, approved April 25, 1960, Act 86, amends the 1943 rural zoning act, (Act 183, Public Acts of 1943, Sections 125.204 et. seq. Compiled Laws of 1948) relating to the appointment and membership of a permanent county zoning commission and the holding of hearings by said commission in connection with the adoption of proposed zoning plans and ordinances, and requiring 20 days notice of such hearings be given to each public utility company within the district or zone affected.

Failed

Public Utilities - Rates - H.B. 398, died in House, would have added Section 460.6d, Compiled Laws of 1948, to provide that in determining rates to be charged by public utilities the Public Service Commission shall not include amounts spent for advertising as a cost of doing business.

- Service Vehicles - H.B. 450, died in Senate, would have amended Section 257.698, Compiled Laws of 1948, to provide that public utility service vehicles only use emergency flashing lights when engaged on a job.

Labor Disputes - Public Utilities - H.B. 474, died in House, would have provided for the creation of the Michigan mediation service to assist in the settlement of labor disputes. In cases involving public utilities the act would have established procedures to be followed and prohibited work stoppage before such proceedings have been completed.

Consumer Protection Representative - H.B. 21, died in House, would have created the office of Michigan consumer protection representative whose duties would have included advising the Governor on all matters concerned with protecting consumers of goods and services; investigation of violations of consumers' interests, presentation of the viewpoint of the consuming public before the administrative

and legislative branches, and recommending to appropriate officials the prosecution of violations of laws designed for the protection of consumers.

Telephone

Failed

Taxation - Telephone Service - S.B. 1026, died in Senate, would have amended Section 205.93a, Compiled Laws of 1948 to repeal the 3% use tax levied on intrastate telephone service.

Telephone Excise Tax - H. Res. 6, died in House, would have memorialized the Congress of the United States to repeal the 10 percent excise tax on all communications services.

1960 Mississippi Legislation - Final Report
Session: January 5 to May 11, 1960

Governor's Message

The following are excerpts from the January 19, 1960, message of Governor Ross R. Barnett to the Mississippi legislature:

"REA. The rural electric power organizations in making available electric power to our farms, have contributed immeasurably to the agricultural and general economic developments in Mississippi.

"Electric service to rural Mississippi has improved the standard of living, improved health conditions, and created an atmosphere for a happy farm life. My administration will favor the continuation of this program.

"My administration is equally interested in private utility development and will cooperate fully in a continued growth of these important industries that have meant so much to Mississippi."

Legislative Program

Electrification

The Mississippi Rural Electric Association (MREA) sponsored bills on the following subjects:

- (a) Prohibit tampering with electric power lines and installations (see H.B. 126, below--enacted);
- (b) Prevent accidents resulting from contact with power lines (see H.B. 129, below--enacted);
- (c) Require electric utilities to furnish a representative to guard against injury from contact of certain objects with power lines (see H.B. 127, below--failed).

Electrification and Telephone

MREA also sponsored a bill (see H.B. 130, S.B. 1842, below--failed) relative to the venue of civil actions against utility companies.

Telephone

The Mississippi Independent Telephone Association sponsored a bill (see S.B. 1794, below--enacted) to provide for the method of assessing and taxing the property of independent telephone companies located in not more than six counties.

The model Telephone Cooperative Act was introduced (see H.B. 712, below--failed).

Legislation Considered

Electrification

Enacted

Power Lines, etc. - Tampering Prohibited - H.B. 126, approved and effective May 5, 1960, makes it a misdemeanor and prescribes penalties for intentionally obstructing, injuring, breaking, tampering with, destroying or interrupting any power line or the transmission of electric current, or taking, destroying, etc. any equipment on an electric power system. (Similar legislation was unsuccessfully sponsored by MREA in 1954 and 1956.)

Power Lines - Accident Prevention - H.B. 129, approved and effective May 10, 1960, prescribes precautions required to be taken in connection with activities within eight feet of a high voltage (over 750 volts) overhead power lines by others than qualified electrical workers, and provides penalties for violation. (Same as 1956 and 1958 bills sponsored by MREA.)

Failed

Power Lines - Accident Prevention - H.B. 127, died in House, would have required electric utilities to furnish a representative to attend and supervise any work on structures within 100 feet of their lines or installations; imposed penalties for failure to furnish representatives; subjected the utilities to liability for their representatives' negligence; and absolved them from liability if no representative were present or if his instructions were not followed. (Same as 1954 bill sponsored by MREA.)

Atomic Energy - Southern Interstate Nuclear Compact - H.B. 623, passed House, died in Senate, and H.B. 725, died in House committee (substantially identical bills) would have enacted the Southern Interstate Nuclear Compact for the creation of an interstate board empowered to study, coordinate, conduct training, demonstration and research programs in the nuclear field.

Electrification and Telephone

Enacted

Public Service Commission - Salaries - H.B. 199, approved and effective April 15, 1960, increased the salaries of the commissioner from \$10,000 to \$12,500, of the executive secretary from \$6,500 to \$8,500, and made other salary adjustments. (S.B. 1631, a companion bill, died in the Senate.)

Failed

Suits Against Utilities - Venue - H.B. 130, died in House committee, and S.B. 1842, died in Senate, would have amended Sec. 1434, 1942 Code, to provide that suits against utilities, including electric cooperatives, be brought in the county of the company's domicile or where the cause of action occurred instead of in any county where the utility facilities were located. (Same as 1954, 1956, and 1958 bills unsuccessfully sponsored by MREA.)

Taxation - Municipal Sales Tax - H.B. 158, died in House, would have amended the City Sales Tax Law (Sec. 10111.5, 1942 Code, 1958 Supp.) so as to enable cities to levy an additional tax of 1% (formerly $\frac{1}{2}\%$) on retail sales on gross income, including the gross income of electric and telephone utilities, except that on sales of industrial electricity the rate would be $\frac{1}{2}\%$ (formerly $\frac{1}{4}\%$) and wholesale sales would be exempt.

Public Service Commission - Suspension of Rate Changes - H.B. 508, died in House committee, would have amended Sec. 7717-10 to increase the suspension period from 6 to 9 months.

Disposition of Unclaimed Property - H.B. 627 and H.B. 721, both died in House committee, would have enacted the Uniform Disposition of Unclaimed Property Act including provisions for escheat of unclaimed utility deposits and refunds and unclaimed cooperative dividends and distributions.

Chattel Mortgages - Recordation - H.B. 753, died in House, would have required the refiling and re-recording of chattel mortgages and other contractual liens on personal property after the expiration of 3 years, and thereafter after any succeeding term of 3 years.

Uniform Commercial Code - Study - S. Con. Res. 133, adopted in Senate, died in House, would have created a recess committee of the legislature to study the Uniform Commercial Code and report its findings to the 1962 session.

TelephoneEnacted

Taxation - Independent Telephone Companies - S.B. 1794, approved and effective May 11, 1960, provided that when the property of a telephone company is located in not more than six counties, it shall be assessed and taxed as that of a person (i.e. within each county rather than by the State Tax Commission), and exempted

stock issued by such companies from taxation. (A similar bill was vetoed in 1958.)

- Municipal - S.B. 1961, approved and effective May 11, 1960, authorizes municipalities to impose an additional tax of 2% on the gross revenues of telephone companies from local business within the corporate limits except where a franchise fee is already being paid, and establishes the procedure for collection thereof.

Fraudulent Use of Telephone - S.B. 1695, approved and effective April 21, 1960, makes it a misdemeanor to obtain telephone service by fraud or to use the telephone to defraud.

Failed

Telephone Cooperative Act - H.B. 712, died in House committee, would have enacted the model Telephone Cooperative Act.

Party Line - Emergency - S.B. 1937, passed Senate, died in House, would have prescribed penalties for failure to yield a party line for an emergency call, and required that notice of the law be published in telephone directories.

1960 Nevada Legislation - Final Report
Session: January 18 to March 12, 1960

Legislative Program

Electrification and Telephone

REA borrowers did not undertake a legislative program.

Legislation Considered

Electrification

Enacted

Irrigation Districts - Acquisition of Electric Lines - A.B. 15, approved February 24, 1960, Chap. 46, amends Sections 539.237 and 539.240, Nevada Revised Statutes, relating to the authority of boards of directors of irrigation districts to acquire electric power and transmission lines, by increasing the limits of the costs of such electric power and transmission lines which may be acquired without an election. Irrigation districts having a reservoir or reservoirs with a capacity of less than 250,000 acre-feet shall not acquire electric power or transmission lines which cost more than \$15,000 without calling an election. Irrigation districts whose reservoir capacity is over 250,000 acre-feet must call special elections for electric lines which cost more than \$100,000.

Hydroelectric Facilities - Intervention of Attorney General - S.B. 25, approved March 8, 1960, Chap. 108, amends Section 228.190, Nevada Revised Statutes, relating to the power of the attorney general, by authorizing him to intervene or appear in actions or proceedings involving construction of any dam, power plant or other structure on any stream located either wholly or partly in Nevada or wholly or partly in any other state, when it is necessary for or incident to establishing and determining the rights of the State of Nevada or its residents.

Failed

Electric Companies - Connections - S.B. 122, died in Senate, would have repealed Section 704.650, Nevada Revised Statutes, which required electric light and water companies to connect main wires and pipes to residences and other buildings.

Public Utilities - Regulation - S.B. 120, died in Senate, would have amended Section 704.320, Nevada Revised Statutes, relating to sales of surplus electricity or water to a public utility by deleting provisions that seller of such surplus does not thereby become a public utility nor be subject to the jurisdiction of the public service commission.

Electrification and Telephone

Enacted

Municipal Utilities - A.B. 4, approved February 13, 1960, Chap. 15, adds a new section to Chapter 710, Nevada Revised Statutes, relating to utilities and carriers owned by local governments by providing that net profits derived from municipally owned and operated utilities may be expended for general municipal purposes.

Failed

Utility Companies - Investigation - A.B. 178, died in Assembly, would have directed the Legislative Commission to investigate all public utility companies.

Public Utilities - Rates - A.B. 223, died in Assembly, would have amended Sections 704.540 et. seq., Nevada Revised Statutes, relating to judicial review of utility rates to prohibit a public utility from using a schedule of rates disapproved by the public service commission until after a final judicial determination.

Telephone

Enacted

Telephone Excise Tax - S.J.Res. 6, adopted March 3, 1960, memorializes Congress, opposing legislation providing for continuation of the Federal tax on local telephone service.

1960 New Jersey Legislation - Final Report

Session: January 12 to

(On May 23, 1960, the Senate adjourned to September 12, 1960,
and on June 6, 1960 the House also adjourned to September 12, 1960)

Legislative ProgramElectrification and Telephone

REA borrowers did not undertake a legislative program.

Legislation ConsideredElectrificationEnacted

Public Utilities - Gross Receipts Tax - A.B. 125, approved June 15, 1960, Chap. 50, amends Chap. 5, Laws 1940 (54:31-50, New Jersey Statutes Ann.), relating to taxation of the gross receipts of certain public utility corporations occupying the public streets, highways, roads or other public places, by providing that the tax on gross receipts from business done in the State for the preceding calendar year be at the rate of $7\frac{1}{2}\%$ (instead of the "average rate of taxation" with a minimum of 5% and a maximum of $7\frac{1}{2}\%$) and eliminating provisions for calculating the "average rate of taxation". (S.B. 3, same as A.B. 125, died in Senate.)

Pending

Electrical Contractors - Licensing - S.B. 163, passed Senate and Assembly, provides for the creation of a seven member Board of Examiners of Electrical Contractors in the Department of Law and Public Safety to license, examine, and regulate electrical contractors; prohibits electrical contracting work by any person other than licensees and requires annual posting of bond to insure performance; provides for suspension of licenses of contractors found guilty of fraud or wilful negligence; and exempts electrical work or construction performed by municipal plants or public utilities and other specified enterprises.

High Voltage Lines - Precautions - A.B. 262, passed Assembly, pending in Senate, amends Chap. 249, Laws 1948, relating to precautions to be taken in proximity of high-voltage lines for the prevention of accidents, by clarifying the definition of "high-voltage lines" and various provisions regarding the requirements to be followed by persons engaged in any activity within the immediate vicinity (6 feet) of high-voltage electric lines.

Atomic Energy Study Commission - S.J.R. 8, passed Senate and Assembly, reconstitutes and continues the Atomic Energy Study Commission.

Electrification and Telephone

Pending

Public Utilities - Labor Disputes - A.B. 391, pending in Assembly Committee on Labor and Industrial Relations, repeals Chap. 38, Laws of 1946, as amended, concerning labor disputes in public utilities and providing for compulsory arbitration.

Unclaimed Property - Escheat - A.B. 192, pending in Assembly Committee on Business Affairs, amends Sections 2A:37-30 to 2A:37-35, New Jersey Statutes, relating to the escheat of unclaimed property, by revising procedure to be followed by the State Treasurer in recovering unclaimed funds held by corporations organized under the laws of New Jersey.

Telephone

Pending

Telephone Service Tax - A.B. 43, pending in Assembly, imposes a 10% tax on general telephone service. Section 4 provides that such tax shall be reduced by such portion of a general telephone service tax imposed by the United States Government.

1960 New York Legislation - Final Report
Session: January 6 to March 31, 1960

Governor's Message

The following excerpts are from the January 6, 1960, message of Governor Nelson A. Rockefeller to the New York legislature:

"II. The Individual and a Growing Economy . . .

"A. Economic Development . . .

"3. Atomic Energy.

"In a pre-session memorandum, I have proposed a specific program for strengthening the state's activity in the development and use of atomic energy for peaceful purposes. The recommended legislation would:

"(a) further public health and safety respecting nuclear materials,

"(b) improve opportunities for developing atomic industry within New York, and

"(c) provide the basis for state-Federal cooperation in the regulation of atomic energy.

"I invite your attention to this memorandum. I heartily recommend your favorable consideration of this program.

"4. Power Resources.

"An adequate supply of power at reasonable rates is vital to economic growth. Since 1938, when New York ranked first in the sale of electricity, it has dropped behind other states; even with the full utilization of all our hydropower resources, there is the prospect of a power shortage after 1965 unless appropriate steps are taken.

"I appointed a task force last June, headed by a former chairman of the State Power Authority, to study this problem. Its report has now been submitted. It provides authoritative analysis of our power resources and the guidelines for development of alternate sources of additional power. I urge your careful examination of this report . . .

"E. Water Resources

"A fundamental concern of the state is the development,

use and preservation of its water resources. A significant step was taken by your Honorable Bodies in 1959 in the creation of the Temporary State Commission on Water Resources Planning and through the outstanding work of the Joint Legislative Committee on Revision of the Conservation Law in recodifying the provisions pertaining to the Division of Water Power and Control.

"The fragmented jurisdiction of numerous agencies over water problems has hindered the development of an effective water resources program. I recommend the unification of responsibility in a Water Resources Commission within the Conservation Department to achieve strong program leadership."

Legislative Program

Electrification and Telephone

REA borrowers did not undertake a legislative program.

Legislation Considered

Electrification

Enacted

State Atomic Energy Law - S. 721, approved March 29, 1960, Chap. 314, amends Section 454 of the Executive Law relating to the office of atomic development to provide authority to locate and purchase sites for construction of atomic test reactors and the storing of radioactive byproducts and adds Section 461, to authorize the Governor to enter into agreements with the Federal government whereby the state will assume regulatory authority with respect to atomic energy activities within the state involving byproduct materials, source materials and special nuclear materials in quantities not sufficient to form a critical mass. (A. 639, a companion bill, died in Assembly.)

- A. 638, approved April 18, 1960, Chap. 628, amends Section 201, subdivision 1(s) and adds Section 225, subdivision 4(p), Public Health Law, to authorize the Department of Health to license atomic energy activities within the state relating to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass.

Water Resources Law - A. 484, approved February 8, 1960, Chap. 7, provides for the consolidation, clarification and rearrangement of

the conservation law relative to water resources, including the development of water power. (S. 809, a companion bill, died in Senate.)

Failed

Electrical Generators - Interconnection - A. 3148, vetoed April 25, 1960, and S. 2401, died in Senate, would have added Section 1921 to the Penal Law, to prohibit connection of an electric generator to an electrical system, circuit or equipment of any kind until written notice is given to municipality or electric corporation which provides regular supply of electricity to location. It would have also required that every stand-by generator be equipped with a double throw switch designed to prevent back feeding into an electric system. (Similar bills passed both houses in the 1958 and 1959 sessions and were vetoed.)

Electrical Installations - Municipal Regulation - S. 3868, vetoed April 25, 1960, and A. 4649, died in Assembly, would have added Section 99-d, General Municipal Law, to authorize municipal governing board which has electrical code or ordinance regulating manner of construction, alteration, removal and inspection of electrical facilities, to provide that such work must be done so as to be reasonably safe to persons and property and that equipment and appliances used or installed shall meet same requirements. The code may provide that compliance with national electrical code shall be prima facie evidence of safety.

Electric Lines - Construction Equipment - S. 2067, died in Senate, and A. 2661, died in Assembly, would have added new Section 1921, to the Penal Law, to prohibit the operation of cranes, derricks, etc. within six feet of high voltage lines and required the placement of warning signs.

Utility Rates - A. 2359, died in Assembly, would have amended Section 72, Public Service Law, relating to notice and hearing by the Public Service Commission on orders fixing the price of electricity or gas, by providing that if the commission undertakes a rate study it shall not order a change in rates until a final determination has been made.

- A 2360, died in Assembly, would have amended Section 72, Public Service Law, by providing that the Public Service Commission shall file a report with the legislature in connection with the granting of a rate increase and such increase shall be valid unless the legislature by adoption within one year of a concurrent resolution determines that the increase is unjustified and should be revoked.

Utility Service - Discontinuance - A. 2362, died in Assembly, would have amended Section 15, Transportation Corporations Law, concerning the discontinuance of utility service for failure to pay by providing that in multiple dwellings where the landlord furnishes utilities such utility service shall not be cut off for nonpayment until after 30 days written notice.

- Charges - A. 3197, died in Assembly, would have amended Section 65, subdivision 6, Public Service Law, prohibiting the levying of service charges, by making it applicable to electric corporations and requiring electric and gas corporations to maintain repair service to consumers at all times without charge.

- Conjunctional Billing - A. 655 and A. 3503, died in Assembly, S. 2251, died in Senate, would have amended the Public Service Law by adding Section 67a, permitting owners of multiple plants, buildings and properties to apply to the electric corporation supplying electricity for conjunctional billing at the schedule rate applicable to the aggregate consumption in all such plants, buildings and properties.

Atomic Energy - Regulation - S. 182, died in Senate, and A. 202, died in Assembly, would have added Article 6 to the Commerce Law to establish the atomic energy council in the Commerce Department to coordinate development and regulatory activities relating to industrial and commercial uses of atomic energy, and provided for the appointment of a coordinator of atomic development activities. (The bills follow the draft of the Atomic Development Coordination Act suggested by the Council of State Governments.)

Radiation Regulation - S. 1966, died in Senate, and A. 2641, died in Assembly, would have created a temporary state commission to study and investigate the problem of radiation exposure to radioactive materials.

Great Lakes Basin Compact - A. 1407, died in Assembly, and S. 2542, died in Senate, would have ratified the Great Lakes Basin Compact and provided for representation of the state on the Great Lakes Commission. Article VII provided that each state party to the compact agrees to consider the action the Commission recommends in respect to various water conservation programs and including suitable hydroelectric power developments.

Electrification and Telephone

Failed

Utility Relocation - Reimbursement - S. 1915, died in Senate, and A. 2505, died in Assembly, would have amended Highway Law, to provide that cost of relocation of telephone and telegraph wires and

gas, oil, and water lines, and other public utility facilities, necessitated by Federal aid highway projects, shall be paid out of funds for construction, including net amounts paid by owner.

Utility Rates - S. 1947, died in Senate, and A. 2180, died in Assembly, would have added Section 109 to the Public Service Law to provide that the State and City of New York shall be necessary parties to any proceeding involving the reasonableness of or applications for increases in the rates of public utilities.

Public Service Commission - Study - A. 1391 and A. 2720, died in Assembly, would have provided for the appointment of a temporary legislative and executive commission to study and revise the Public Service Law and procedures of the Public Service Commission.

- S. Res. 93, died in Senate, and A. Res. 138, died in Assembly, would have created a joint legislative committee to study and investigate the policies and procedures of the Public Service Commission in relation to the discharge of its rate-making functions for the purpose of determining whether the public interest requires any changes therein or in the laws governing the same.

- Rate Changes - A. 2346, died in Assembly, would have amended Section 29, Public Service Law, to strike out provision permitting Public Service Commission to allow rate changes without 30 days notice and publication by filing and publishing order specifying change.

Telephone

Enacted

Telephone Service - Taxation - A. 4678, approved April 8, 1960, Chap. 418, amends the Tax Law by adding Article 24, providing for the imposition of a 10% local tax, for school purposes, on general telephone service, when requested by local school authorities. (A. 4374, a similar bill, died in Assembly.)

Malicious Telephone Calls - S. 3231, approved April 21, 1960, Chap. 725, amends Article 50, Penal Law, by adding Section 555, making it a misdemeanor to use any telephone instrument to make a call for the purpose of threatening to commit a crime against the person called or any member of his family or for the purpose of using obscene language to a person of the female sex.

Failed

Telephone Rates - S. 176 and S. 3706, died in Senate, would have amended Public Service Law to provide that rates and charges for

telephone and telegraph corporations shall be based on reasonable average return on capital actually expended, instead of value of property actually used in public service.

Telephone - Metering - A. 741, died in Assembly, would have amended Public Service Law to require telephone corporations to install metering device on each telephone to indicate the number of outgoing calls and to charge for use of telephone for local calls on basis of number of such calls.

Federal Telephone Excise Tax - S. Res. 59, died in Senate, and A. Res. 88, died in Assembly, requested the Congress not to extend the Federal telephone tax beyond June 30, 1960.

1960 Pennsylvania Legislation - Interim Report

Session: January 5 to

(The legislature has met intermittently since convening and has taken several long recesses. On June 27, 1960, the legislature recessed until September 12, 1960)

(Beginning with the 1960 session the Pennsylvania legislature meets annually. Regular sessions convening in even-numbered years are limited to consideration of revenue and appropriation measures.)

No legislation of interest to the REA electrification and telephone programs was noted.

1960 Rhode Island Legislation - Interim Report
Session: January 5 to
(Legislature recessed May 6, 1960, subject to call
of presiding officer of each house)

Legislative Program

Electrification and Telephone

There are no REA borrowers in Rhode Island.

Legislation Considered

Electrification and Telephone

Enacted

Uniform Commercial Code - S.B. 546, approved May 11, 1960, enacts the Uniform Commercial Code which affects commercial transactions including the contents and recordation of chattel mortgages.

Telephone

Enacted

Federal Excise Tax - Telephone - S.B. 88, law without approval May 11, 1960, memorializes Congress to repeal the Federal excise tax on telephone service.

1960 South Carolina Legislation - Final Report
Session: January 12 to May 27, 1960

(The General Assembly of South Carolina meets in two annual sessions. The first session convenes in the odd-numbered years. Legislation introduced in the first session and not finally disposed of may be considered during the second session which meets in the even-numbered years. This report includes legislation disposed of in 1960 which was carried as pending in the 1959 report.)

Legislative Program

Electrification

South Carolina Electric Co-operative, Inc. (statewide) did not sponsor a legislative program. In 1959 upon the introduction of legislation sponsored by the Municipal Association to provide for the extension of municipal boundaries by annexation (H. 1230, below--failed) the statewide sought to have the bill amended in order to protect the property and interests of the electric cooperatives.

Telephone

No legislative program was reported to have been undertaken by REA telephone borrowers.

Legislation Considered

Electrification

Enacted

Atomic Energy - Study - S. 354, approved April 28, 1960, Act 831, provides for the appointment of an eleven member permanent committee (5 members appointed by the Governor and 6 members of the legislature) to make a continuous study of matters pertaining to the peaceful uses of atomic energy and to serve as a clearinghouse for all atomic and nuclear material concerning the uses of atomic and nuclear energy. The committee is directed to submit periodic reports to the General Assembly and recommend such legislation as needed to encourage participation in the development and utilization of atomic energy.

- S. 355, approved April 28, 1960, Act 832, amends Act 319, Acts of 1959, establishing committee to study peaceful uses of atomic energy, by permitting the committee to file its report during the second session of the 93d General Assembly instead of requiring it to be filed by January 1, 1960.

Failed

Municipal Boundaries - Extension by Annexation - H. 1230, passed House, died in Senate Judiciary Committee, would have established procedure to be followed by a municipality for the annexation of territory adjoining its existing boundaries. As introduced, Sec. 9 of the bill contained provisions giving the municipality the exclusive right to perform or provide municipal and utility functions and services in any territory which it annexes. The statewide appeared at hearings held on the bill and offered an amendment to this section designed to protect the interests of electric cooperatives serving in any such annexed territory by providing (1) for exchange of utility facilities for comparable facilities located outside the corporate limits of the annexing municipality as an alternative to money compensation; (2) for payment of money compensation in addition to utility facilities where such facilities are sufficient only to constitute partial compensation; and (3) that the acceptance of comparable facilities as an alternative to money compensation be at the option of the instrumentality whose property is acquired. Section 9 was stricken in its entirety by the House Judiciary Committee. A motion to amend the bill by adding the language of the cooperative's amendment was tabled in the House on April 1, 1959, and the bill passed the House on April 7, 1959. The Senate Judiciary Committee considered the bill on May 6, 1959, and by vote of 8 to 4 adopted the cooperative's amendment. Because of imminent adjournment of the legislature the Senate voted to add H. 1230, as amended, to the adjournment resolution. (This action would have insured passage of the bill). The House refused to concur in this action and H. 1230 was finally withdrawn from the resolution after many efforts at compromise failed. No action was taken by the Senate Judiciary Committee during the 1960 session.

Greenwood County Electric Power Commission - Generating Plant - H. 1116, died in House Ways and Means Committee, would have authorized the Commission to operate and maintain an electric generating plant or plants presently or hereafter owned by Greenwood County or in which the County has or may acquire an interest and provided that the Commission distribute, purchase, sell, or interchange electric power or energy.

Electric Power-- Taxation - H. 2013, died in House, would have amended Section 65-1404, Code of Laws of South Carolina, relating to exemption from sales taxes by adding a new subsection providing for exemption of the gross proceeds of the sale of electricity used in the production or processing of seeds, plants, tobacco, fruit, vegetables, eggs, milk, meat, and poultry when produced on the farm.

- H. 2015, died in House, would have amended Section 65-1404, Code of Laws of South Carolina, relating

to exemptions from sales taxes by adding a new subsection providing for exemption of the gross proceeds of the sale of electricity used in meatpacking, poultry processing, milk processing, and seed processing plants and in cotton gins.

Water Resources Survey - S. 374, died in Senate, would have created a water resources committee to investigate and survey the water resources of South Carolina and prepare plans and make recommendations for the conservation and developments of such resources.

Municipal Utilities - S. 681, died in Senate, would have amended Section 59-531, Code of Laws of South Carolina, relating to furnishing light and water to persons outside the corporate limits, so as to restrict cities and towns under certain conditions from furnishing water.

Electrification and Telephone

Failed

Public Service Commission - Study - S. 472, died in Senate, would have provided for the appointment of a committee to make a study of the public service commission for the purpose of recommending changes and improvements to provide for more efficiency and economy and provided for a report to be filed with the 1961 session of the legislature.

Utilities - Use of Highway Right-of-Way - S. 456, died in Senate, would have amended Section 32-122, Code of Laws of South Carolina, relating to the acquisition of property by the South Carolina State Highway Department, to provide that highway rights-of-way acquired by condemnation shall not be used for public utility purposes without the payment of additional compensation to the land owner for such additional burden.

Sales Tax - Electric and Telephone Service - S. 396, died in Senate, and H. 1846, died in House, would have repealed the provisions of Act 140, Acts of 1959, subjecting the sale of electricity and the proceeds from telephone service (except toll income) to the three percent license, sales and use tax.

Disposition of Unclaimed Property - H. 2100, died in House, would have enacted the Uniform Disposition of Unclaimed Property Act which contains provisions for escheat to the state of unclaimed deposits and refunds held by utilities and dividends and distributions of cooperative associations.

Uniform Commercial Code - S. 621, died in Senate, and H. 2355, died in House, would have provided for the appointment of a committee to study the proposed Uniform Commercial Code.

Mortgages - Filing - H. 2097, died in House, would have amended Section 60-305, Code of Laws of South Carolina, to provide that notice given by filing mortgages covering both real and personal property which are recorded as real estate mortgages and indexed as both chattel and real estate mortgages shall be for the same period as provided for real estate mortgages.

Telephone

Failed

Telephone Lines along Highways - S. 464, died in Senate, would have repealed Section 58-301, Code of Laws of South Carolina, authorizing telephone and telegraph companies to construct, maintain, and operate lines along highways without permission of the abutting property owner.

Use of Obscene Language on Telephone - H. 2125, died in House, would have made it unlawful for any person to use obscene and obnoxious language or to utter threats over the telephone.

1960 Virginia Legislation - Final Report
Session: January 13 to March 28, 1960

Legislative Program

Electrification and Telephone

REA borrowers did not undertake a legislative program.

Legislation Considered

Electrification

Enacted

Radiation Sources - S.B. 28, approved March 15, 1960, Chap. 304, requires persons possessing, storing, or using radiation machines and radioactive materials to register with the State Health Department.

Atomic Energy Study - S.J. Res. 3, adopted February 25, 1960, directs the Virginia Advisory Legislative Council to continue its study of the peaceful uses of atomic energy for scientific, industrial, and medical purposes. The Council is directed to consider the desirability of Virginia entering into the Southern Interstate Nuclear Compact and to recommend what legislation should be adopted. A report is to be filed not later than November 1, 1961. (S.J. Res. 4, died in Senate, would have established as policy for the Commonwealth of Virginia the fostering of the development of peaceful uses of atomic energy and nuclear materials.)

Electric Fences - S.B. 78, approved March 30, 1960, Chap. 384, makes it unlawful to construct, install or maintain electric fences for use upon agricultural lands without the installation of certain controlling safety devices.

Electrification and Telephone

Enacted

Unclaimed Property Act - S.B. 119, approved March 17, 1960, Chap. 330, enacts the Uniform Disposition of Unclaimed Property Act which contains provisions for escheat to the state of unclaimed deposits and refunds held by utilities and dividends and distributions of cooperative associations.

Eminent Domain - H.B. 324, approved March 31, 1960, Chap. 491, amends and adds to Title 33, Code of Virginia, relating to the exercise of the power of eminent domain by the State Highway Commissioner. Section 33-58, concerning condemnation of land or

easements of utilities, is amended to authorize the Commissioner of Highways to remove and relocate utility facilities therefrom at his own cost in the event of the utility company's failure to do so within 60 days of the taking.

- Study - H.J. Res. 38, adopted March 12, 1960, directs the Virginia Advisory Legislative Council to continue the study of the laws relating to eminent domain which it has made pursuant to H.J. Res. 19 of the 1958 session and H.J. Res. 100 of the 1956 session. Tentative drafts of proposed revisions of the eminent domain laws are authorized to be printed and circulated for comment to interested parties. The Council is directed to file its report and recommendations by October 1, 1961.

Failed

Utility Taxes - Counties - H.B. 395, died in House, would have amended Section 58-851.3, Code of Virginia, to authorize counties to levy a 5 percent tax on purchases of public utility services.

- H.B. 661, died in House, would have added Section 58-851.4, Code of Virginia, to authorize counties to levy a 10 percent tax on purchases of public utility services. (S.B. 322, died in House, as introduced was the same as H.B. 661, passed the Senate with amendment limiting the amount of tax on electric power and telephone bills for residential and commercial or industrial consumers.)

- Local - S.B. 248, died in Senate, would have added Section 58-851.4, Code of Virginia, to authorize counties having specific population limitations to levy a 10 percent tax on purchases of public utility services.

Utility License and Franchise Tax - S.B. 252, died in Senate, would have amended Sections 58-579, 58-580, and 58-603, Code of Virginia, to increase the license and franchise taxes paid by telegraph, telephone, and power companies.

Public Service Corporations - Tax - S.B. 253 and S.B. 276, died in Senate, would have repealed State tax on money and intangible personal property of public service corporations and provided that the State tax on gross receipts of such corporations shall be in lieu of such taxes.

Consumer Representation - H.J. Res. 14, died in House, would have directed the Virginia Advisory Legislative Council to study the advisability of establishing the office of Consumer Counsel to represent the interests of the public at rate hearings before the State Corporation Commission.

Uniform Commercial Code - Study - H.J. Res. 42, died in Senate, would have directed the Virginia Advisory Legislative Council to study and report on the adoption of the Uniform Commercial Code.

Telephone

Failed

Use of Obscene Language - Telephones - S.B. 306, died in Senate, would have amended Section 18-115, Code of Virginia, making it a misdemeanor to use vulgar, profane, or indecent language over the telephone, to require officers and employees of telephone companies to furnish law enforcement officers with information which would aid in the apprehension of violators of this section, and to subject telephone officials to fine for failure to cooperate.

- H.B. 22, died in House, would have amended Section 18-115, by prescribing specific penalties for violations of this section.

1960 West Virginia Legislation - Final Report
Session: January 13 to February 11, 1960

(The regular session of the West Virginia legislature convening in even-numbered years is restricted to consideration of the annual budget bill, matters contained in the Governor's proclamation, and such matters as may be proposed by two-thirds vote of the legislature.)

No legislation of interest to the REA electrification or telephone programs was noted.

1959-60 Wisconsin Legislation - Final Report
Session: January 14, 1959, to May 27, 1960

Legislative Program

Electrification

Wisconsin Electric Cooperative (statewide) considered sponsoring legislation amending the 1955 anti-duplication act to clarify certain matters as to which controversy had arisen including revision to (1) apply the prohibition of the act to pole line extensions of more than 550 feet instead of to primary voltage extensions as defined in the act; and (2) permit electric cooperatives to extend service in areas annexed to municipalities to premises located closer to cooperative facilities than to those of the public utility serving the municipality. Sponsorship or support of a utility facility relocation bill providing for reimbursement from Federal-aid highway funds was also considered. Bills on these subjects were not introduced.

Telephone

No legislation was reported to have been sponsored by REA telephone borrowers.

Legislation Considered

Electrification

Enacted

Diversion of Water - Review by Public Service Commission. - S. 126, approved June 25, 1959, Chap. 126, amends Sec. 31.14(8) Wis. Stats. relating to the diversion of surplus waters to provide for annual review by the Public Service Commission together with the Conservation Commission of all water diversion permits issued since August 1, 1957, and to authorize the Public Service Commission to revoke any permit upon finding the withdrawal is detrimental to other riparians or to the stream or lake, and to revoke any permit for diversion from a trout stream when requested by the Conservation Commission.

Municipal Utilities - Mortgages - A. 327, approved July 20, 1959, Chap. 209, amends Sec. 66.066(1) Wis. Stats., authorizing the mortgaging of municipal utility plant, creates a statutory mortgage lien upon the utility to holders of evidences of indebtedness issued pursuant to the subsection.

Municipal Utility Service - Contracts - S. 604, approved August 28, 1959, Chap. 371, amends Sec. 66.061(2)(a) Wis. Stats., to authorize

cities and villages to contract for furnishing light, heat, or water to the municipality or to the inhabitants thereof for not more than 30 years (in place of existing 10 year period). (A. 896 was the companion bill in the Assembly.)

Failed

Duplication of Electric Service - Exemption of Service to Schools - S. 576, died in Senate, would have amended the 1955 anti-duplication act by exempting from its prohibitions electric service when requested for schools.

Municipal Utilities - Regulation of Competition - Service Areas - A. 440, indefinitely postponed on May 12, 1959, would have created Secs. 196.50(4)(b) and (7), Wis. Stats., to prohibit a municipality, being provided utility service by another municipality, either at wholesale or retail pursuant to standards of service and rates prescribed by the Public Service Commission, from constructing and operating a plant for providing the same service; to authorize the commission to determine the adequacy of the service and prescribe standards therefor and to issue a certificate of convenience and necessity to the municipality served if the supplying municipality does not comply with the commission order; to authorize a municipality operating a utility to prescribe its area of service by ordinance and submit same to the commission for approval; to forbid the commission to increase or decrease the area of service unless service is inadequate and standards established by the commission are not complied with; and to authorize a municipality to contract with a municipal utility for service at retail or wholesale for not to exceed 30 years, subject to commission approval. (A. 440 was introduced at the request of the City of Milwaukee.)

Municipalities - Annexation - A. 232, indefinitely postponed in committee and returned to the author on March 17, 1959, would have added Sec. 66.028 to Wis. Stats., providing that any area in a village which is contiguous to a city and has directly received any municipal service from that city, may be annexed to the city after 10 years of such service by adoption of a city ordinance.

Electrical Installations - Licensing and Inspection - S. 577, died in Senate, would have created a state examining board, advisory to the industrial commission, to examine and license electricians of various classes; prohibit installation except in accordance with the state electrical code and after obtaining permit from the commission or one of its inspectors; prohibit connection to power source of installations except after inspection or, pending inspection, on affidavit of conformity by installer; and exempt work in cities having population of 95,000 or more and an electrical code equivalent to the state code, work performed by utilities or rural electric cooperatives on their systems, and work performed personally

by an owner on his own homestead (but the affidavit, inspection, permit, and inspection fee provisions are applicable thereto).

Radiation Protection Act - S. 454, died in Senate, would have enacted a Radiation Protection Act, substantially conforming to the model act suggested by the National Committee on Radiation Protection, authorizing the State Board of Health to register sources of radiation, adopt rules and regulations to prevent unnecessary radiation, make studies, and inspect radiation sources; required radiation sources to be shielded; prohibited the possession, etc. of nuclear materials except with United States license if required; created an advisory radiation protection council; and provided for enforcement.

Water Power Dams - Abandonment - S.J. Res. 59, died in Senate, would have directed the legislative council to create a legislative committee to study the long-range effect of the destruction and abandonment of water power dams on the public and private riparian owners and to report to the 1961 legislature.

Electrification and Telephone

Enacted

Cooperatives - Federal Tax Requirement - A.J. Res. 51, adopted June 11, 1959, refers to current recommendations of Secretary of Treasury with respect to cooperative patronage savings and the income tax status of cooperatives, and memorializes the Congress to oppose any measures which would prescribe any minimum interest rate or any maximum maturity dates for securities issued by cooperatives in payment of patronage savings to patrons.

Eminent Domain - Statute Revision - A. 483, approved January 28, 1960, Chap. 639, repeals and recedes Chapter 32, Wis. Stats., relating to eminent domain proceedings which includes provisions dealing with the exercise of eminent domain by telephone companies, electric companies, and rural electric cooperative associations. (S. 285 was the companion bill in the Senate.)

Uniform Commercial Code - Study - A.J. Res. 94, adopted July 25, 1960, directs the legislative council to conduct a number of studies including a study of the Uniform Commercial Code and Wisconsin statutes relating to commercial law and report to the 1961 legislature, and makes an appropriation. (A.J. Res. 91, killed in Assembly.)

Failed

Refunds Received by Electric and Gas Companies - Passing on to Consumers - S. 636 died in Senate, would have amended Sec. 196.645,

Wis. Stats., which in its present form authorizes the Public Service Commission to determine whether the rates of any public utility, where rates are based on the cost of any energy, commodity or service regulated by federal authority and are changed by that authority, should be changed by reason thereof. The amendment would have confined the commission's authority to gas and electric utilities and required them to pass on to their consumers any refund received from a supplier of gas or electricity which is subject to regulation by the Federal Power Commission.

Uniform Disposition of Unclaimed Property - A. 1015, died in Senate, would have enacted the Uniform Disposition of Unclaimed Property Act which contains provisions for escheat to the state of unclaimed deposits and refunds held by utilities and dividends and distributions of cooperative associations.

Telephone

Enacted

Abandonment of Service - S.J. Res. 31, adopted June 23, 1959, states the sense of the legislature that the Public Service Commission should proceed with caution in any matter involving abandonment of transportation or communication services when such action might contribute to economic or social blight.

Telephone Party Lines - Emergency Calls - A. 950, approved September 15, 1959, Chap. 469, imposes fines for refusal to yield a party line when needed for an emergency and for falsely stating that an emergency exists, and requires telephone directories to have printed thereon a warning as to such actions.

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State legislation affecting the
REA program.

AUTHOR

1960

TITLE

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